

AMENDED IN SENATE AUGUST 20, 2003

AMENDED IN SENATE JULY 24, 2003

AMENDED IN SENATE JULY 15, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 327

Introduced by Assembly Member Runner

February 7, 2003

An act to amend *Sections 1465.5 and 1465.6 of the Penal Code, and to amend Sections 22511.55, 22511.59, 42001, and 42001.5 of, and to add Sections 4461.3 and 42001.13 to, the Vehicle Code, relating to vehicles.*

LEGISLATIVE COUNSEL'S DIGEST

AB 327, as amended, Runner. Vehicles: parking: persons with disabilities: violations.

Existing

(1) *Existing* law imposes certain fines and other penalties for violating certain provisions relating to parking privileges for persons with disabilities.

This bill would authorize a city or county to impose by ordinance or resolution an additional penalty of \$100 for violating those provisions. The bill would require the revenue generated from imposition of the additional penalty to be used to improve the enforcement of specified state laws relating to the use of disabled parking spaces and placards within the city or county, including offsetting the cost of establishing a new disabled parking enforcement program. *The bill would make corresponding changes in the imposition of additional assessments for*

violating these provisions. Because the bill thereby would impose additional duties upon the county treasurer, the bill would establish a state-mandated local program.

This bill would require the Department of Motor Vehicles to print on a distinguishing placard or temporary distinguishing placard issued to a disabled person or veteran on or after January 1, 2005, the amount of the fines, including certain penalties and surcharges, as specified, authorized to be imposed for a violation of specified state laws relating to the use of disabled parking spaces and placards.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. It is the intent of the Legislature that the
- 2 Department of Motor Vehicles print the amount of a fine for a
- 3 violation of Section 4461 of the Vehicle Code on the application
- 4 for a distinguishing placard or license plate issued to a disabled
- 5 person or veteran. The amount of the fine shall include any
- 6 assessments authorized under Sections 70372 and 76000 of the
- 7 Government Code, Sections 1464 and 1465.7 of the Penal Code,
- 8 and Section 4461.3 of the Vehicle Code when determining the cost
- 9 of a violation.
- 10 SEC. 2. *Section 1465.5 of the Penal Code is amended to read:*
- 11 1465.5. An assessment of two dollars (\$2) for every ten
- 12 dollars (\$10) or fraction thereof, for every fine, forfeiture, or
- 13 parking penalty imposed and collected pursuant to Section
- 14 ~~42001.5~~ 42001.13 of the Vehicle Code for violation of Section
- 15 22507.8 of the Vehicle Code, may be imposed by each county upon



1 the adoption of a resolution by the board of supervisors. An
2 assessment imposed by this section shall be collected and
3 disbursed as provided in Section 9545 of the Welfare and
4 Institutions Code.

5 *SEC. 3. Section 1465.6 of the Penal Code is amended to read:*

6 1465.6. In addition to any assessment levied pursuant to
7 Section 1465.5 of this code, or any other law, an additional
8 assessment equal to 10 percent of the fine, penalty, or forfeiture
9 imposed under Section 42001 ~~or~~, 42001.5, *or 42001.13* of the
10 Vehicle Code shall be imposed by each county for a violation of
11 Section 22507.8 or 22522 of the Vehicle Code. An assessment
12 imposed pursuant to this section shall be deposited in the general
13 fund of the city or county wherein the violation occurred.

14 *SEC. 4. Section 4461.3 is added to the Vehicle Code, to read:*

15 4461.3. In addition to any fine imposed for conviction of a
16 violation of Section 4461 or ~~42001.13~~ 22507.8, a city or county
17 may adopt an ordinance or resolution to assess an additional
18 penalty of ~~\$100~~ *one hundred dollars (\$100)*,. All revenue
19 generated from imposition of the penalty shall be used specifically
20 for the purpose of improving enforcement of the provisions of this
21 code relating to disabled parking spaces and placards within the
22 city or county. Revenue generated from imposition of the penalty
23 may not be used to supplant funds used for other general parking
24 enforcement purposes, but may be used to offset the cost of
25 establishing a new disabled parking enforcement program.

26 ~~SEC. 3.—~~

27 *SEC. 5. Section 22511.55 of the Vehicle Code is amended to*
28 *read:*

29 22511.55. (a) (1) Any disabled person or disabled veteran
30 may apply to the department for the issuance of a distinguishing
31 placard. The placard may be used in lieu of the special
32 identification license plate or plates issued under Section 5007 for
33 parking purposes described in Section 22511.5 when suspended
34 from the rear view mirror or, if there is no rear view mirror, when
35 displayed on the dashboard of a vehicle. It is the intent of the
36 Legislature to encourage the use of these distinguishing placards
37 because they provide law enforcement officers with a more readily
38 recognizable symbol for distinguishing vehicles qualified for the
39 parking privilege. The placard shall be the size, shape, and color
40 determined by the department and shall bear the International

1 Symbol of Access adopted pursuant to Section 3 of Public Law
2 100-641, commonly known as the “wheelchair symbol.” The
3 department shall incorporate instructions for the lawful use of a
4 placard, and a summary of the penalties for the unlawful use of a
5 placard, into the identification card issued to the placard owner.

6 (2) (A) The department may establish procedures for the
7 issuance and renewal of the placards. The placards shall have a
8 fixed expiration date of June 30 every two years. A portion of the
9 placard shall be printed in a contrasting color that shall be changed
10 every two years. The size and color of this contrasting portion of
11 the placard shall be large and distinctive enough to be readily
12 identifiable by a law enforcement officer in a passing vehicle.

13 (B) As used in this section, “year” means the period between
14 the inclusive dates of July 1 through June 30.

15 (C) Prior to the end of each year, the department shall, for the
16 most current three years available, compare its record of disability
17 placards issued against the records of the Bureau of Vital Statistics
18 of the State Department of Health Services, or its successor, and
19 withhold any renewal notices that otherwise would have been sent,
20 for any placardholders identified as deceased.

21 (3) Except as provided in paragraph (4), no person is eligible
22 for more than one placard at any time.

23 (4) Organizations and agencies involved in the transportation
24 of disabled persons or disabled veterans may apply for a placard
25 for each vehicle used for the purpose of transporting disabled
26 persons or disabled veterans.

27 (b) (1) Prior to issuing any disabled person or disabled veteran
28 an original distinguishing placard, the department shall require the
29 submission of a certificate, in accordance with paragraph (2),
30 signed by the physician or surgeon substantiating the disability,
31 unless the applicant’s disability is readily observable and
32 uncontested. The disability of any person who has lost, or has lost
33 use of, one or more lower extremities or both hands, or who has
34 significant limitation in the use of lower extremities, may also be
35 certified by a licensed chiropractor. The blindness of any applicant
36 shall be certified by a licensed physician or surgeon who
37 specializes in diseases of the eye or a licensed optometrist. The
38 physician or person certifying the qualifying disability shall
39 provide a full description of the illness or disability on the form
40 submitted to the department.

(2) The physician or other person who signs a certificate submitted under this subdivision shall retain information sufficient to substantiate that certificate and, upon request of the department, shall make that information available for inspection by the Medical Board of California.

(3) The department shall maintain in its records all information on an applicant's certification of permanent disability and shall make that information available to eligible law enforcement or parking control agencies upon a request pursuant to Section 22511.58.

(c) Any person who has been issued a distinguishing placard pursuant to subdivision (a) may apply to the department for a substitute placard without recertification of eligibility, if that placard has been lost or stolen.

(d) The distinguishing placard shall be returned to the department not later than 60 days after the death of the disabled person or disabled veteran to whom the placard was issued.

(e) The department shall print on any distinguishing placard issued on or after January 1, 2005, the maximum penalty that may be imposed for a violation of Section 4461. For the purposes of this subdivision, the "maximum penalty" is the amount derived from adding all of the following:

(1) The maximum fine that may be imposed under Section 4461.

(2) The penalty required to be imposed under Section 70372 of the Government Code.

(3) The penalty required to be levied under Section 76000 of the Government Code.

(4) The penalty required to be levied under Section 1464 of the Penal Code.

(5) The surcharge required to be levied under Section 1465.7 of the Penal Code.

(6) The penalty authorized to be imposed under Section 4461.3.

~~SEC. 4.—~~

SEC. 6. Section 22511.59 of the Vehicle Code is amended to read:

22511.59. (a) Upon receipt of the applications and documents required by subdivisions (b), (c), or (d), the department shall issue a temporary distinguishing placard bearing the

1 International Symbol of Access adopted pursuant to Section 3 of
2 Public Law 100-641 commonly known as the “wheelchair
3 symbol.” During the period for which it is valid, the temporary
4 distinguishing placard may be used for the parking purposes
5 described in Section 22511.5 in the same manner as a
6 distinguishing placard issued pursuant to Section 22511.55.

7 (b) (1) Any person who is temporarily disabled for a period of
8 not more than six months may apply to the department for the
9 issuance of the temporary distinguishing placard described in
10 subdivision (a).

11 (2) Prior to issuing a placard pursuant to this subdivision, the
12 department shall require the submission of a certificate signed by
13 a physician or surgeon, as described in subdivision (b) of Section
14 22511.55, substantiating the temporary disability and stating the
15 date upon which the disability is expected to terminate.

16 (3) The physician or other person who signs a certificate
17 submitted under this subdivision shall maintain information
18 sufficient to substantiate that certificate and, upon request of the
19 department, shall make that information available for inspection
20 by the Medical Board of California.

21 (4) A placard issued pursuant to this subdivision shall expire
22 not later than 180 days from the date of issuance or upon the
23 expected termination date of the disability, as stated on the
24 certificate required by paragraph (2), whichever is less.

25 (5) The fee for a temporary placard issued pursuant to this
26 subdivision shall be six dollars (\$6).

27 (c) (1) Any disabled person or disabled veteran who is not a
28 resident of this state and plans to travel within the state may apply
29 to the department for the issuance of the temporary distinguishing
30 placard described in subdivision (a).

31 (2) Prior to issuing a placard pursuant to this subdivision, the
32 department shall require certification of the disability, as described
33 in subdivision (b) of Section 22511.55.

34 (3) The physician or other person who signs a certificate
35 submitted under this subdivision shall maintain information
36 sufficient to substantiate that certificate and, upon request of the
37 department, shall make that information available for inspection
38 by the Medical Board of California.

39 (4) A placard issued pursuant to this subdivision shall expire
40 not later than 90 days from the date of issuance.

(d) (1) Any disabled person or disabled veteran who has been issued either a distinguishing placard pursuant to Section 22511.55 or special identification license plates pursuant to Section 5007, but not both, may apply to the department for the issuance of the temporary distinguishing placard for the purpose of travel described in subdivision (a).

(2) Prior to issuing a placard pursuant to this subdivision, the department shall require the applicant to submit either the number identifying the distinguishing placard issued pursuant to Section 22511.55 or the number on the special identification license plates.

(3) A placard issued pursuant to this subdivision shall expire not later than 30 days from the date of issuance.

(e) The department shall print on any temporary distinguishing placard issued on or after January 1, 2005, the maximum penalty that may be imposed for a violation of Section 4461. For the purposes of this subdivision, the “maximum penalty” is the amount derived from adding all of the following:

(1) The maximum fine that may be imposed under Section 4461.

(2) The penalty required to be imposed under Section 70372 of the Government Code.

(3) The penalty required to be levied under Section 76000 of the Government Code.

(4) The penalty required to be levied under Section 1464 of the Penal Code.

(5) The surcharge required to be levied under Section 1465.7 of the Penal Code.

(6) The penalty authorized to be imposed under Section 4461.3.

~~SEC. 5.—~~

SEC. 7. Section 42001 of the Vehicle Code is amended to read:

42001. (a) Except as provided in Section 42000.5, 42001.1, 42001.2, 42001.3, 42001.5, 42001.7, 42001.8, 42001.9, 42001.11, 42001.12, *42001.13*, 42001.14, 42001.15, 42001.16, or subdivision (a) of 42001.17, or Section 42001.18, or subdivision (b) or (c) of this section, or Article 2 (commencing with Section 42030), every person convicted of an infraction for a violation of this code or of any local ordinance adopted pursuant to this code shall be punished as follows:

(1) By a fine not exceeding one hundred dollars (\$100).

1 (2) For a second infraction occurring within one year of a prior
2 infraction which resulted in a conviction, a fine not exceeding two
3 hundred dollars (\$200).

4 (3) For a third or any subsequent infraction occurring within
5 one year of two or more prior infractions which resulted in
6 convictions, a fine not exceeding two hundred fifty dollars (\$250).

7 (b) Every person convicted of a misdemeanor violation of
8 Section 2800, 2801, or 2803, insofar as they affect failure to stop
9 and submit to inspection of equipment or for an unsafe condition
10 endangering any person, shall be punished as follows:

11 (1) By a fine not exceeding fifty dollars (\$50) or imprisonment
12 in the county jail not exceeding five days.

13 (2) For a second conviction within a period of one year, a fine
14 not exceeding one hundred dollars (\$100) or imprisonment in the
15 county jail not exceeding 10 days, or both that fine and
16 imprisonment.

17 (3) For a third or any subsequent conviction within a period of
18 one year, a fine not exceeding five hundred dollars (\$500) or
19 imprisonment in the county jail not exceeding six months, or both
20 that fine and imprisonment.

21 (c) A pedestrian convicted of an infraction for a violation of
22 this code or any local ordinance adopted pursuant to this code shall
23 be punished by a fine not exceeding fifty dollars (\$50).

24 (d) Notwithstanding any other provision of law, any local
25 public entity that employs peace officers, as designated under
26 Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2 of
27 the Penal Code, the California State University, and the University
28 of California may, by ordinance or resolution, establish a schedule
29 of fines applicable to infractions committed by bicyclists within its
30 jurisdiction. Any fine, including all penalty assessments and court
31 costs, established pursuant to this subdivision shall not exceed the
32 maximum fine, including penalty assessment and court costs,
33 otherwise authorized by this code for that violation. If a bicycle
34 fine schedule is adopted, it shall be used by the courts having
35 jurisdiction over the area within which the ordinance or resolution
36 is applicable instead of the fines, including penalty assessments
37 and court costs, otherwise applicable under this code.

38 SEC. 8. Section 42001.5 of the Vehicle Code is amended to
39 read:



1 42001.5. (a) A person convicted of an infraction for a
2 violation of subdivision (i) or (l) of Section 22500, or of Section
3 22522, shall be punished by a fine of not less than two hundred
4 fifty dollars (\$250).

5 (b) No part of any fine imposed under this section may be
6 suspended, except the court may suspend that portion of the fine
7 above one hundred dollars (\$100).

8 (c) A fine imposed under this section may be paid in
9 installments if the court determines that the defendant is unable to
10 pay the entire amount in one payment.

11 ~~SEC. 6.—~~

12 *SEC. 9.* Section 42001.13 is added to the Vehicle Code, to
13 read:

14 42001.13. (a) A person convicted of an infraction for a
15 violation of Section 22507.8 shall be punished by a fine of not less
16 than two hundred fifty dollars (\$250).

17 (b) The court may suspend the imposition of the fine if the
18 person convicted possessed at the time of the offense, but failed to
19 ~~display, a valid distinguishing license plate or placard issued~~
20 ~~pursuant to Section 22511.5,~~ display, a valid special identification
21 license plate issued pursuant to Section 5007, or a distinguishing
22 placard issued pursuant to Section 22511.55 or 22511.59.

23 (c) A fine imposed under this section may be paid in
24 installments if the court determines that the defendant is unable to
25 pay the entire amount in one payment.

26 *SEC. 10.* *Notwithstanding Section 17610 of the Government*
27 *Code, if the Commission on State Mandates determines that this*
28 *act contains costs mandated by the state, reimbursement to local*
29 *agencies and school districts for those costs shall be made*
30 *pursuant to Part 7 (commencing with Section 17500) of Division*
31 *4 of Title 2 of the Government Code. If the statewide cost of the*
32 *claim for reimbursement does not exceed one million dollars*
33 *(\$1,000,000), reimbursement shall be made from the State*
34 *Mandates Claims Fund.*